IN THE HIGH COURT OF BOMBAY AT GOA
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WRIT PETITION NO. 301 OF 2003
WITH WRIT PETITION NO.389 OF 2003

WRIT PETITION NO. 301 OF 2003

Mahadev N. Naik,
Veterinary Officer,
Veterinary Complex,
D-1, Tonca,
Caranzalem, Goa. ... Petitioner

Versus

1. State of Goa,
by its Chief Secretary,
Secretariat, Goa,

2. The Director of Animal
Husbandry & Veterinary
Services & Ex-Officio Jt.
Secretary, Government of
Goa, Department of Veteri-
nary & Animal Husbandry
Services, Pashu Samvardan,
Patto, Panaji, Goa,

3. Dr. Santosh V. Dessai,

4. Dr. D. M. Naik Parrikar,

5. Dr. P. Poi Dunghat,
all Veterinary Oficers,
Department of Veterinary
& Animal Husbandry Services,
Pashu Samvardan, Patto,
Panaji, Goa. ... Respondents.

Shri A. F. Diniz, advocate for the petitioner.

Shri S. R. Rivonkar, Govt. Advocate for respondent nos. 1 and 2.

Shri M. S. Sonak, advocate for respondent nos.3 & 4.

Shri R. G. Ramani, advocate for respondent no.5.

WRIT PETITION NO. 389 OF 2003

Dr. Ramkrishna Vinayak
Jog, Veterinary Officer,
presently posted as Veterinary
Officer, Veterminary Dispensary,
Molem, and r/o Sancordem,

Morlem, Goa. .. Petitioner.

Versus

1. State of Goa,
by its Chief Secretary,
Secretariat, Goa,

2. The Director of Animal
Husbandry & Veterinary
Services & Ex-Officio Jt.
Secretary, Government of
Goa, Department of Veteri-
nary & Animal Husbandry
Services, Pashu Samvardan,
Patto, Panaji, Goa,

3. Dr. Santosh V. Dessai,

4. Dr. D. M. Naik Parrikar,

5. Dr. P. Poi Dunghat,
all Veterinary Oficers,
Department of Veterinary
& Animal Husbandry Services,
Pashu Samvardan, Patto,
Panaji, Goa. ... Respondents.

Shri S. D. Lotlikar, Senior Advocate with Shri N. A. Manerkar, advocate for the petitioner.

Shri S. R. Rivonkar, Govt. Advocate for respondent nos. 1 and 2.

Shri M. S. Sonak, advocate for respondent nos.3 & 4.

Shri R. G. Ramani, advocate for respondent no.5.

CORAM : F. I. REBELLO &
P. V. HARDAS, JJ.

DATE : 11th August, 2003.

ORAL ORDER (Per Rebello, J.)

Both the petitions can be disposed of by a common Order.

The challenge in these petitions is to the Seniority List of Veterinary Officers. Petitioners in both

the petition contend that they were appointed earlier in point of time and, as such, they ought to be placed senior to respondent nos.3, 4 and 5, the final seniority list. The case of the petitioner in Writ Petition no.301 of 2003 was that he was appointed as an Instructor on 9th March, 1983. Petitioner in Writ Petition No.389 of 2003 was appointed as Assistant Project Officer on 11th March, 1983. The respondent State by Notification dated 3rd August, 1987 re-designated the post of Assistant Project Officer/ Farm Manager (Poultry)/Instructor with immediate effect. It is, therefore, contended that for all purposes they are deemed to be working as Veterinary Officer in the re-designated post and, consequently, their seniority as of 9th March, 1983 and 11th March, 1983, should be considered and if it is so considered, then, in that event, they are senior to respondent nos. 3 to 5.

2. On behalf of the contesting respondents, as also the State Government, it is contended that respondent nos. 3, 4 and 5 were appointed pursuant to an advertisement issued for filling in the post of Veterinary Officers by direct recruitment. Respondent nos. 3, 4 and 5 and the petitioner in Writ Petition No.301 of 2003 were recommended for appointment. However, only respondent nos.3, 4 and 5 were appointed by Order of 27th May, 1987. It is pointed out that the post of Veterinary Officer was a Group B Gazetted Post, whereas earlier the post that the

petitioners were holding, apart from being lower in time scale were not Group B or Gazetted posts. It is, therefore, pointed out that they were appointed based on selection merit by Order of 27th May, 1987, whereas the two petitioners at the highest would come into the cadre of Veterinary Officers on account of the re-designation order made on 3rd August, 1987. If this is considered than respondent nos.3,4 and 5 would be senior and, therefore, the Seniority List has been correctly prepared.

3. Having heard learned counsel, we are of the opinion that there is no merit in both the petitions. In terms of the earlier Recruitment Rules which were in force, namely the Government of Goa, Daman and Diu Directorate of Animal Husbandry and Veterinary Services General Central Service Group 'A' and Group 'B' gazetted posts Recruitment Rules, 1983, the post of Technical Assistant/Veterinary Officer was to be filled in, amongst others, by promotion from the post of Instructor/Assistant Project Officer and Manager, Poultry Farm with five years regular service in the respective grade. In other words, therefore, these were feeder posts for promotion to the post of Technical Assistant/Veterinary Officer. If this be the case, the length of service in the feeder post cannot be considered for the purpose of seniority in the post of Veterinary Officer. Once that be the case, it is the date of appointment in that cadre which will have to be considered.

Respondent nos.3, 4 and 5 were appointed on 3rd May, 1987, whereas the petitioners at the highest were re-designated on 3rd August, 1987.

In the light of that there is no merit in these petitions which are accordingly rejected.

F. I. REBELLO, J.

P. V. HARDAS, J.

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